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May 3, 2007

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**VIA FACSIMILE**  
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Tyrone Townsend, Esq.  
P.O. Box 2105  
Birmingham, Alabama 35201

**Re: *Shyandrea Hester, et al. v. Lowndes County Commission, et al.***  
***Our File No.: 5918***

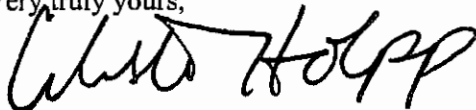
Dear Tyrone:

This correspondence follows my conversation with Richard Hill and email correspondence with your assistant, Brian Leonard, regarding the deposition of Deputy Harris in the above-referenced matter. According to Mr. Leonard, your office has "no input as to the dates and times to schedule a deposition for Deputy Harris." The email from Mr. Leonard sent to me this morning was the first notice I received of your intentions to take Deputy Harris' deposition. In follow-up, I called Richard Hill to inquire as to Deputy Harris' availability. Mr. Hill advised that he would be happy to work with everyone's calendars in re-scheduling Deputy Harris' deposition. Interestingly, he advised that you served a Subpoena for Deputy Harris' deposition some time ago. I never received a copy of this subpoena and cannot understand why you did not serve me with a copy of the same.

As stated in my previous correspondence, I am available for Deputy Harris' deposition on May 11, 14, 16, or 17 in Montgomery. If you would like to go forward with Deputy Harris' deposition on May 10, 2007, then we need to reschedule Mr. Brown and Ms. Martin's depositions. However, I have been requesting your clients' depositions for months now and would ask that you make them available for May 10, 2007. As stated in my earlier correspondence, I would like to take your expert's deposition on either May 14, 16, or 17 at my office.

Please consider my request that you provide a demand before additional time and expenses are incurred. Thank you.

Very truly yours,



Celeste P. Holpp  
CPH/baw



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May 4, 2007

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**Re: *Shyandrea Hester, et al. v. Lowndes County Commission, et al.***  
***Our File No.: 5918***

Dear Tyrone:

This letter follows my email correspondence with you today and my conversation with your assistant, Brian Leonard, in the above-referenced matter. As you are aware, I have been requesting plaintiffs' depositions for months and continue to be told by your office that you will "get back to me." I have confirmed Mr. Brown's deposition for Thursday, May 10, 2007, at 2:00 p.m. in Montgomery. My client is driving several hours immediately following a 24-hour shift to make this date of May 10<sup>th</sup> work with your and my calendars. I am not willing to inconvenience him this way by making him available for his deposition if you cannot confirm your clients' deposition availability due to our approaching discovery deadline.

In response to your request today that we now take all fact depositions next week, I am available on Thursday, May 10, 2007, and Friday, May 11, 2007, for depositions in this matter. As you recall, I requested that we schedule depositions the week of May 7, 2007, many weeks ago. However, when we were discussing depositions, there was no discussion of taking Deputy Harris' deposition and you are aware of your not serving my office with a copy of your subpoena for the same. Unfortunately, since this request came in on Friday, my calendar is now full for Monday through Wednesday of next week.

Please confirm your clients' deposition availability, your expert's deposition availability and yours and Deputy Harris' deposition availability by the end of Monday, May 7, 2007, to avoid this discovery deadline passing without any depositions being taken. Please also provide your FRCP 26(a)(1) and (a)(2) disclosures. Thank you.

Very truly yours,

Celeste P. Holpp

CPH/baw

